

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK LINDSAY,

Defendant.

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8:10CR303

ORDER

This matter is before the court on the defendant's Motion to Extend Time to File Pretrial Motions [41]. Upon review of the file, the court finds that a 5-day extension should be granted to allow the defendant to join the motions to sever filed by co-defendants.

**IT IS ORDERED** that the Motion to Extend Time to File Pretrial Motions [41] is granted, in part, as follows:

1. The deadline for filing pretrial motions is extended to **October 26, 2010** for the filing of a severance motion.

2. In accordance with [18 U.S.C. § 3161\(h\)\(8\)\(A\)](#), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **October 21, 2010 and October 26, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3. A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

**DATED this 21<sup>st</sup> day of October, 2010.**

**BY THE COURT:**

s/ F.A. Gossett  
United States Magistrate Judge